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## MAGAZINES FOR MARCH.

### POPULAR SCIENCE MONTHLY FOR MARCH.

#### CONTENTS.

THE ASSOCIATION OF IDEAS. By WILLIAM JAMES, M.D. (Illustrated.)  
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RUSSIAN NIHILISM. By FRITZ CUNLIFFE-OWEN.  
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FLESH-COLOR.  
LIFE AT HIGH PRESSURE. By W. G. BLAIKIE.  
THE RESTORATION OF THE JEWS.  
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# The Publishers' Weekly.

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## NOTES IN SEASON.

THE spring trade sale will open the first week in April.

MESSRS. HENRY A. SUMNER & CO., Chicago, Ill., have in hand for immediate publication, as one of the first books on their new list, a translation from the French of "Odette's Marriage," the novel by Albert Delpit which has been running in the *Revue des Deux Mondes*.

T. WHITTAKER has just ready "Thoughts on Great Mysteries," from the writings of Frederick Wm. Faber, D.D., well known by his famous hymns. The volume is a selection of his best thoughts, and being of a devotional character, is seasonable for Lent reading.

E. P. DUTTON & CO. will re-issue Miss Mary L. Booth's valuable "History of New York City" in one large octavo volume, with the interesting illustrations, at \$5 or less. The work was previously issued by subscription, and in this new shape will be a novelty to many bookbuyers.

MACMILLAN & CO. have one of the most useful publications of the entire year in "The Statesman's Year-book" of Frederick Martin, now in its seventeenth year. In the fulness of its statistical information, as to all countries, it is in a double sense the book of the world, and it is needed in every commercial, political and literary workshop. Another admirable book of reference just received by them is Dickens' "Dictionary of the Thames," including Oxford, Eton, Windsor and other noted and interesting places.

ONE of the most valuable helps for the general reader, on his library table, or for the literary worker, on his revolving bookcase, is Dr. Brewer's "Readers' Hand-book of Allusions, References, Plots, Facts and Stories," just ready at J. B. Lippincott & Co.'s. His "Dictionary of Phrase and Fable" is known to most

readers as an admirable and useful book, which is also very entertaining for the delectation of odd moments, and for this last purpose the new book will be still more attractive. It is in fact the quintessence of story-telling.

HOUGHTON, OSGOOD & CO. will publish next Wednesday, 18th, with Henry James, Jr.'s "Confidence" and Joseph Cook's "Labor," the second volume of Lange's "History of Materialism," in the *Philosophical Library*. This volume treats of Materialism in the eighteenth century, Modern Philosophy, and the Natural Sciences. Another volume, now in press, will finish this important work, which is accounted a standard in Germany and England. "The Princeton Book" is at length ready, and forms a sumptuous large quarto volume. It gives, from various hands, a history and description of the College of New Jersey, generally known as Princeton College, its organization, faculty, libraries, halls, relations to literature, science, religion and statesmanship; and has sixty-nine fine heliotype illustrations, including portraits of the most illustrious officers in its list, and views of buildings, etc. It is in plan like "The Harvard Book," and everybody who has ever been at Princeton, or who is interested in the place or the college, will value it very highly.

## BUSINESS NOTES.

ARCOLA, ILL.—P. M. Ward & CO., booksellers, have dissolved partnership. P. M. Ward continues.

CHICAGO, ILL.—Belfords, Clarke & CO., formerly the Rose-Belford CO., publishers, have made an assignment for the benefit of their creditors. The cause of the failure appears to have been the unprofitable character of their business at Toronto. The united liabilities of the two branches are about \$15,000, and the assets are roughly estimated at between \$5000 and \$10,000.

FARIBAULT, MINN.—Parshall & Whipple, booksellers and stationers, have dissolved partnership, and continue in the same line of the business severally.

HUMBOLDT, KAN.—B. F. Packard, bookseller and stationer, has sold out.

IONIA, MICH.—H. & C. S. Lowe, booksellers and stationers, have sold their business to [Mrs.] F. A. Patten & CO., of Grand Rapids, who will transfer the business to that place.

LEWISTON, ILL.—E. & C. Phelps, booksellers, etc., have dissolved partnership. Phelps & Fahnstock succeed.

LEXINGTON, O.—Wilson Bros., booksellers, etc., have dissolved partnership. Wilson & Hamilton continue the business.

## AUCTION SALES.

February 16-18, 3:30 P.M.:—English books, comprising works in history, biography, travels, theology, science, etc.—Bangs.

February 19, 3:30 P.M.:—Private library of miscellaneous books.—Bangs.

February 20, 2 P.M.:—Collection of books (consignment of H. Sotheran & CO.), comprising works on painting, architecture, ornamental arts, history, poetry, fiction, etc.—M. Thomas & Sons, 139 S. 4th St., Phila.

March 15, and following days:—Library of A. J. Odell. Vol. 2 of catalogue, price \$2, now ready.—Bangs.

## WEEKLY RECORD OF NEW PUBLICATIONS.

In this list, the titles in *brevier* are direct transcriptions from books actually received, according to the rules of the American Library Association; those in *nonpareil* are from the best information available, and will be repeated in *brevier* when the book is received for registry.

The notes followed by a number are those which are sent out on printed title-slips, as revised by the Library Association authorities; unless bracketed, which means that they have not yet been so revised. Those not followed by a number are on the sole authority of the WEEKLY, and are not included in the title-slip registry.

The abbreviations are usually self-explanatory. A colon after initial designates the most usual given name, as: A: Augustus; B: Benjamin; C: Charles; D: Daniel; E: Edward; F: Frederic; G: George; H: Henry; I: Isaac; J: John; L: Louis; N: Nicholas; P: Peter; R: Richard; S: Samuel; T: Thomas; W: William.

Sizes are designated as follows: F. (folio: over 30 centimeters high); Q. (4to: under 30 cm.); O. (8vo: 25 cm.); D. (12mo: 20 cm.); S. (16mo: 17½ cm.); T. (48mo: 15 cm.); Tt. (32mo: 12½ cm.); Fe. (48mo: 10 cm.). Sq., obl., nar., designate square, oblong, narrow books of these heights. Where figure instead of letter symbols are used, the record is from publisher's designation, and not measurement.

Imported books are marked with an asterisk; authors' and subscription books, or books published at net price, with two asterisks; educational books published at "wholesale" prices, with a dagger.

**Albee, J.** St. Aspenquid of Mt. Agamenticus: an Indian idyl. Portsmouth, N. H., Lewis W. Brewster, 1879. 24 p. 12°. pap., 30 c.

**Bonitz, Dr. Hermann.** Origin of the Homeric poems: a lecture; from 4th German ed., by Lewis R. Packard. N. Y., Harper, 1880. 119 p. sq. T. cl., 75 c.

Del. in 1860 in Vienna; passed through 4 editions in Germany; claims that the Iliad and Odyssey, called the poems of Homer, are not the work of a single poet, but each of them is made up of the separate songs of different poets. Copious notes, cont. a bibliography of the subject.

**Bruce, Wallace.** The Yo Semite: poem; il. by J. D. Smillie. Bost., Lee & Shepard, 1879. 20 p. 12°. cl., \$1.50.

**Bryan, Mary E.** Manch. N. Y., Appleton, 1880. 309 p. D. cl., \$1.50.

A novel; scenes laid in the West in the days of Lynch law; the name is taken from the little hero, "Comanche," a bright boy who is the centre of a mystery and a tragedy. By the editor of "The Sunny South."

**Charlesworth, Maria Louisa.** The broken looking-glass; or, Mrs. Dorothy Cope's recollections of service. N. Y., Rob. Carter & Bros., 1880. 313 p. il. D. cl., \$1.

A sequel to "The old looking-glass;" continuation of Mrs. Cope's recollections of her experience when a small girl at service in an English family; a semi-religious story.

**Clark, Rev. Frank E.** Life of W. Eugene Harvard. Portland, Me., Hoyt, Fogg & Donham, 1879. 3-176 p. por. D. cl., \$1.

Memoir of a native of Portland, Me., b. 1839, d. 1874; his life, war experience as a member of the Seventh N. Y., his letters, travels in Europe, etc.

**Coues, Elliot, see Hayden, F. V.**

**Cushing, Caleb.** Memorial of Caleb Cushing from the city of Newburyport. Bost., A. Williams & Co., 1880. 178 p. por. 8°. cl., \*\*\$2.50.

**Dante, Alighieri.** The vision; or, hell, purgatory and paradise; tr. by Rev. H. F. Cary. N. Y., Am. Book Exchange, 1880. 10+452 p. S. cl., 50 c.

**Daudet, Alphonse.** Kings in exile: novel of Parisian life; from the French by Virginia Champlin. Bost., Lee & Shepard, 1880. 6 + 362 p. D. cl., \$1; pap., 50 c.

Describing, under fictitious names, the exiled kings and queens who sought a refuge in Paris, in 1872; their profligate lives and general degeneracy.

**Dickens, C., jr.** Dictionary of the Thames, from Oxford to the Nore, 1880: an unconventional hand-book. [Lond., C. Dickens.] N. Y., Macmillan & Co., [1880]. 268 p. S. cl., 50 c.

On the same plan as Dickens' "Dictionary of London;" designed to give practical information to oarsmen, anglers, yachtmens, and others directly interested in the river; to serve as a guide to strangers, and a book of reference for residents.

**Dowden, E. [Robert] Southey.** N. Y., Harper, 1880. 4+197 p. D. (English men of letters, ed. by J. Morley.) cl., 75 c.

Biography of Robert Southey, b. 1774, d. 1843; celebrated poet, and writer of political and historical works; poet-laureate of England previous to Wordsworth. Chapters on: Childhood; Westminster, Oxford, Pantisocracy, and marriage; Wanderings, 1795-1803; Ways of life at Keswick, 1803-1839; Changes and events, 1803-1844; Southey's work in literature.

**Faber, F. W., D.D.** Thoughts on great mysteries; sel. from [his] works, with introd. by J. S. Purdy, D.D. N. Y., T. Whittaker, 1880. 16+229 p. D. cl., \$1.25.

Sel. rel. to the creation, the incarnation, redemption through the precious blood, and sanctification, taken from the works of Rev. F. W. Faber, the widely known author of religious poems, and numerous prose works, and a convert to the Roman Catholic Church; in making these sel. everything has been carefully omitted which in any way espoused the doctrines of the Catholic Church.

**Garbit, F. J., M.D.** The woman's medical companion. Bost., J. P. Dale & Co., 1880. 500 p. 8°. cl., \*\*\$2.50.

**Geikie, Cunningham, D.D.** Life and words of Christ. N. Y., Amer. Book Exchange, 1879. [Acme ed.] 10+812 p. S. cl., 50 c.; hf. rus., \$1. New ed. in compact form of a well-known work.

**Gibbon, E.** Decline and fall of the Roman Empire; with notes by Rev. H. H. Milman; new ed., to which is added a complete index to the whole work. [Acme ed.] In 5 v. N. Y., Amer. Book Exchange, 1880. V. 1-4, 626; 631; 622; 589 p. S. cl., \$2.50; hf. rus., \$5. For complete work.

New issue in compact form of a well-known standard work, first published in 1781, and reissued with the addition of Milman's notes, 1845.

**Golden-rod: an idyl of Mount Desert.** N. Y., Harper, 1880. 5-115 p. Tt. (Harper's half-hour ser., no 130.) pap., 25 c.

A little American love story.

**Hamlet** revamped, modernized and set to music; by the author of "Romeo and Juliet." (A travesty without a pun.) St. Louis, G. I. Jones & Co., 1880. 48 p. O. pap., 50 c.

A travesty in verse of Shakespeare's "Hamlet," set to popular airs.

**Hayden, F. V., geologist in charge.** U. S. geol. survey of the territories, miscellaneous publications, No. 11: Birds of the Colorado Valley; repository of scientific and popular information concerning North Am. ornithology, by Elliott Coues. Part 1: Passeres to Laniidae; bibliographical appendix. Washington, D. C., Government Printing Office, 1879. 16+807 p. 70 il. 8°.

**Herbold, C. J.** The National Liberal League, what it is and what it is not: an address. Cin., Alfred Warren, 1880. 16 p. 12°. pap., 10 c.

**Holt, Emily Sarah.** The maidens' lodge; or, none of self and all of thee: tale of the reign of Queen Anne. N. Y., Rob. Carter & Bros., [1880]. 6+248 p. il. D. cl., \$1.25.

A story of 1712, in which the thoughts, customs and characteristics of life in Queen Anne's time are reproduced; heroines, two young girls in different stations of life, who find happiness through suffering and self-sacrifice.

**Hugh Templar's motto**, by author of "Dreams and deeds." Bost., D. Lothrop & Co., 1880. il. 16°, cl., 75 c.

**Inter-oceanic canal and the Monroe doctrine.** N. Y., G. P. Putnam's Sons, 1880. 118 p. D. cl., \$1.

A brief sketch of some of the schemes that have been entertained by different nations for building a canal on the Isthmus of Panama, and the commercial importance of an inter-oceanic canal; a discussion of the author and origin

of the Monroe doctrine, and how far the construction of an inter-oceanic canal under French auspices is consistent with this doctrine.

**Koran (The):** commonly called the Alkoran of Mohammed; tr. into English from the original Arabic, by G: Sale. [Acme ed.] N. Y., Amer. Book Exchange, 1880. 336 p. S. cl., 50 c. A new ed. in compact shape of the standard (Sale's) ed. of the Mohammedian scriptures.

**Learnet, S., jr.** Limited license in its relation to the liquor traffic: shall licenses be limited, or not? Let the people choose. N. Y., Amer. Temp. Pub. House, 1880. 48 p. D. pap., 15 c.

**Library of universal knowledge:** reprint entire of last (1879) Edinburgh and London ed. of Chambers's Encyclopædia: dictionary of universal knowledge for the people; with very large add. upon topics of special interest to Amer. readers. [Acme ed.] In 20 v. N. Y., Amer. Book Exchange, 1879. V. 1-5. 12 + 724; 1 + 734; 1 + 862; 1 + 862 p. S. cl., \$10; hf. mor., \$15; heavy paper, wide margins, hf. russia, gilt top, \$20. *For complete work.*

5 v. at present issued, from "Arundel to Ethelreda;" the work to be completed in 20 v.

**Library magazine of select foreign literature,** [1879]. [Acme ed.] N. Y., Amer. Book Exchange, 1879. 2, v. 4 + 768; 3 + 800 p. S. cl., \$1; hf. mor., \$1.50; hf. russia, \$2. Stories, sketches of travels, political, theological, scientific and literary papers, culled from the foreign periodicals of 1879.

**Lindsay, W. Lander, M.D.** Mind in the lower animals in health and disease. N. Y., Appleton, 1880. 2 v. 17 + 543; 6 + 571 p. O. cl., \$4.

Popular study on the subject of mind in the brute creation; classification of facts of many years' observation and reading, illustrating the author's theory, that animals are subject to the same kinds of mental disorders producible by the same causes, as in man. 1st v. opens with chapters on Comparative Psychology, and general considerations, including the methods of inquiry; under "Mind in the lower animals: in its normal manifestations" are chapters on: Morality and religion; Education and its results; Language; Adaptiveness; Fallibility. V. 2, under "Mind in the lower animals: in its abnormal manifestations" are chapters on: Mental defect and derangement; Symptomatology of animal insanity; Man's treatment of the lower animals. Appendix, illustrative of the nature and variety of the data on which the author's generalizations have been based, comprises 1. Bibliography, 3. Enumeration of animals, tables of species, etc. Copious general analytical Index (73 p.).

**Mackenzie, Rob.** The nineteenth century: a history. N. Y., Harper, 1880. 83 p. Q. (Franklin sq. lib., no. 107.) pap., 15 c.

A history of the 19th century. In 3 books; 1, chapters on: The opening of the century; Napoleon Bonaparte; Congress of Vienna. 2, Social condition of Great Britain; The reform bill; The redress of wrongs; Chartism; Our Wars; The victories of peace; Christian missions; Our Indian empire; Our colonies. 3, France, the restored monarchy; France, the Second Empire; Prussia; Austria; Italy; Russia; U. S. of Amer.; The papacy; Progress of liberty in Europe.

**Milton, J.** Poetical works; with sketch of life. [Acme ed.] N. Y., Amer. Book Exchange, 1880. 3 + 562 p. S. cl., 50 c.

**Murphy, J.** Mortimer. Sporting adventures in the far West. N. Y., Harper, 1880. 469 p. il. D. cl., \$1.50.

Author's personal experience during seven years' wandering in the far West in search of game and adventures; gives the general characteristics, the haunts, habits and the best method of hunting the largest class of game found there; also curious facts derived from famous scouts and hunters.

**Nevin, Alfred.** Prayer-meeting manual; containing a theme or topic for each week in the year. Phil., P. Garrett & Co., 1880. 64 p. 16<sup>o</sup>. pap., 10 c.

**Patton, Rev. W.** Bible principles illustrated by Bible characters. Hartford, Ct., Jas. Betts & Co., 1880. 648 p. 45 eng. 12<sup>o</sup>. cl., \$2.50; gilt, \$3; mor., \$4.50.

**Pearson, Mrs. Emily C.** Gutenberg and the art of printing. 3d ed., enl. Bost., Lothrop, 1880. il. 12<sup>o</sup>. cl., \$1.25.

**Rémusat, Mme. de.** Memoirs of, 1802-1808; with preface and notes by her grandson, Paul de Rémusat, Senator; from the French by Mrs. Cashel Hoey and J: Lillie. In 3 v. V. 2. N. Y., Appleton, 1880. 4 + 179-417 p. O. pap., 50 c.

Madame de Rémusat was lady-in-waiting to the Empress Josephine from 1802-1808; a diary kept by her at the time forms the foundation of these memoirs written some 60 years ago, but unpublished until now on account of the revelations they contain relative to Napoleon and his family. They give details of the life at court, views of the character of Napoleon, his relatives and favorites, and important historical acts, different from any recorded by previous historians. The ms. was bequeathed to the present editor by his father, the son of Mme. de R. Paul de R. is a writer on natural science, and a member of the French Senate. The present v. includes the years 1804 to 1806.

**Rémusat, Mme. de.** Memoirs of, 1802-1808; ed. with preface and notes by her grandson, Paul de Rémusat, Senator; tr. by Mrs. Cashel Hoey and J: Lillie. Part 2. N. Y., Harper, 1880. 39 p. Q. (Franklin sq. lib., no. 98.) pap., 10 c.

See note under title above.

**Robinson, F. W.** Othello the second. N. Y., Harper, 1880. 5-75 p. Tt. (Harper's half-hour ser., no. 132.) pap., 20 c. English novelette of love and jealousy.

**Shakespeare, W.** Hist. of life and death of King John; ed. with notes by W: J. Rolfe. N. Y., Harper, 1880. 3-190 p. sq. S. il. cl., 70 c; pap., 50 c.

Expurgated text, where necessary, based on that of the folio of 1623, collated with the leading modern editions; for schools and home reading. Introd. cont. hist. of the play, sources of plot, and critical comments, by Mrs. Jameson, Furnivall and others. 56 p. notes, explanatory and illustrative. Index of words and phrases explained.

**Sluter, Rev. G., ed.** The Acta Pilati: important testimony of Pontius Pilate, recently discovered, being his official report to the Emperor Tiberius concerning the crucifixion of Christ. Shelbyville, Ind., M. B. Robins, 1879. 127 p. S. cl., \*\*\$1.

An authenticated copy of the celebrated Acta Pilati, referred to by early defenders of Christianity, and supposed to have been lost; the ms. was accidentally discovered in the Vatican, at Rome, by a learned German, H. C. Whydaman, of Westphalia. With an introd. and historical and critical notes.

**Smith, G.** Life of Alex. Duff, D.D.; with introd. by W: M. Taylor, D.D. N. Y., A. C. Armstrong & Son, [1880]. 2 v. 12 + 478; 4 + 553 p. 2 por. by Jeems, O. cl., \$3.75.

The first missionary of the Free Church of Scotland to India, b. Scotland 1806, d. 1878. Rev. W: M. Taylor calls him "one of the most eminent of modern missionaries," constituting with W: Burns and D: Livingstone "The three mighties of the noble band of Scottish worthies whose labors in the fields of heathenism have given lustre to the annals of our century." Work gives a full hist. of the Scottish mission in India, and details of D.'s life and missionary labors. Index.

**Stevenson, Ja. H.** Boots and saddles: history of the first volunteer cavalry of the war, known as the First N. Y. (Lincoln) Cavalry. Harrisburg, Pa., Patriot Pub. Co., 1879. 388 p. 22 il. 8<sup>o</sup>. cl., \$1.50.

**Swift, J. L.** About Grant. Bost., Lee & Shepard, 1880. 206 p. D. cl., \$1.

Anecdotes of Gen. U. S. Grant, and sketches of important issues in his life, covering the period beginning with our late war, and ending with his travels around the world; eulogistic, and especially devoted to showing the reasons why he should be a candidate for a third term, and is the best man for the party's nomination.

**Taylor, G. H., M.D.** Health in exercise: what exercises to take and how to take them,

to remove special physical weakness ; embracing account of Swedish methods, and summary of principles of hygiene. [Acme ed.] N. Y., Amer. Book Exchange, 1879. 3+408 p. il. D. cl., 50 c.	ed.] N. Y., Amer. Book Exchange, 1879. 3+318 p. S. cl., 50 c.
Chiefly an account of the "movement cure," and methods of carrying its principles into practice. New issue of a work pub. several years ago.	New issue in compact form of a work originally published in 1871.
<b>Taylor, G. H., M.D.</b> Health for women ; showing causes of feebleness and local diseases arising therefrom ; with full directions for self-treatment by special exercises. [Acme	<b>Virgil</b> [Lat. <i>Virgilius</i> ] Maro, Publius. Works of ; tr. by J. Dryden. N. Y., Amer. Book Exchange, 1880. [Acme ed.] 425 p. S. cl., 40 c.
	New ed. of the works of Virgil, from new and large type.

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Success with small fruit, by Rev. E. P. Roe.

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Principles and portraits, by Dr. C. A. Bartol.

# The Publishers' Weekly.

F. LEYPOLDT, *Bibliographical Editor.*  
R. R. BOWKER, *General Editor.*

FEBRUARY 14, 1880.

PUBLISHERS are requested to furnish title-page proofs and advance information of books forthcoming, both for entry in the lists and for descriptive mention. An early copy of each book published should be forwarded, to insure correctness in the final entry.

The trade are invited to send "Communications" to the editor on any topic of interest to the trade, and as to which an interchange of opinion is desirable. Also, matter for "Notes and Queries." Notes from librarians will also be gratefully received.

In case of business changes, notification or card should be immediately sent to this office for entry under "Business Notes." New catalogues issued will also be mentioned when forwarded.

## THE IRVING COPYRIGHT SUIT—A NEW FOUNDATION FOR COPYRIGHT.

THE first hearing in the Irving copyright suit was had on Monday last, when an adjournment was made to Monday next, before Judge Lawrence, in the Supreme Court of New York. The present suit is an application for an injunction restraining Pollard & Moss from the publication of their volume of "Irving's Works," so called, which is admitted to comprise but a part of his works, and these in their first or unrevised state. Messrs. Putnam and the nieces of Washington Irving, to whom his literary property was bequeathed, join as plaintiffs. A most important feature of the suit is that, after setting up several points based on statutory remedies and trade-mark rights, the broad ground is taken that the rights of an author and his heirs, in his literary productions are perpetual at common law.

A side question arises in relation to the meaning of the term "Works" in the trade, as to which defendants have submitted affidavits from D. & J. Sadlier, and Henry Miller, as representative booksellers and publishers, alleging that the term "Works" does not necessarily imply completeness, and the plaintiffs present an affidavit taking the opposite ground, signed by Messrs. Harper, Appleton, Pratt, Randolph, Dutton, Armstrong, Collins, and Dodd. This is in itself a question of considerable practical interest.

We have received a copy of the brief of Wm. C. Gulliver, of counsel for plaintiffs in this case, which is noteworthy as in itself one of the most interesting contributions that has been made to the literature of copyright. It is espe-

cially valuable in its citations of, and quotations from, decisions bearing upon nearly every phase of copyright controversy. The first series of points made by the plaintiff's counsel rest upon the alleged appropriation of a title belonging to plaintiffs. It is claimed (1) that the legal title to the book-title "Irving's Works" is founded upon possession, and that possession rests upon the mere adoption of that title on volumes offered for sale. (2) That this ownership is the right to an exclusive use of that book-title, whether on the ground of "trademark" or of "good-will," which last plaintiffs have acquired by the use of their capital, sagacity and enterprise in making books under that title known and salable. (3) This being the case, other parties will not be permitted by a court of equity to use this book-title, a point which is supported by numerous quotations from cases of business rivalry in the use of an established name not protected by statute. (4) And such misuse is under statute a misdemeanor. This series of points rests upon the single proposition that an author's name associated with his works is a distinctive value defensible at common law.

The next point (5) sets up a like claim for the individual book-titles, "Wolfert's Roost," etc., as designating certain property in books which plaintiffs alone have the right to publish; defendants can only claim the right to publish these books in some other form, and if they publish in other form, such use of the title is a fraud upon the public. This would seem to introduce the question of authors' revised editions carrying exclusive right to the original title, although this is not argued out in the brief.

The next point (6) sets up the claim that the publication of books in any form but that authorized by the author is a wrong to the author's reputation, depreciating the value of his works as merchandise, and that the valuable part of plaintiff's property in said books is the reputation of their author. This is argued at length, with numerous illustrations from literary history. It is substantiated by appeal (a) to property rights, (b) to the law of libel, (c) to the principles of "trademark" or of "good-will," covered in point (3).

Much stress is, however, laid upon point (7), which takes the direct and broad ground that plaintiffs have a common-law exclusive right in the literary productions of Washington Irving, of which they have not been deprived by statute. The argument on this point covers forty pages, more than half the brief, and is a full discussion of the subject that will be of value in its literature. Of this our readers are entitled to ask a somewhat careful synopsis,

since its acceptance would put an entirely new character on the relations of publishing.

The argument first follows the judicial history of this question, which we summarize, adding dates. The common-law right of authors was the undisputed foundation of literary property in England until the law of Anne, 1710, protected literary right by statute. In the celebrated case of *Millar v. Taylor*, 1769, it was affirmed by the King's Bench, in Lord Mansfield's celebrated decision, that this statute did not supersede and do away with common-law right, but provided statutory remedies for those enrolling themselves under its protection. But, in the case of *Donaldson v. Becket*, 1774, the House of Lords adopted the opinion, that while an author's rights at common law were not taken away by statute, his remedies at common law were, which came to the same thing.

Congress adopted the English statute in 1790, and in 1834, in the case of *Wheaton v. Peters*, arising in Pennsylvania, the U. S. Supreme Court, in the opinion delivered by Mr. Justice McLean, which has since been taken in this country as establishing the law, held "that the law had been settled in England to the effect that, since the passing of the 8 Anne, c. 19, an author had no right in a published work excepting that secured by statute; that there was no common law of the United States, and that the common law as to copyright had not been adopted in Pennsylvania, in which State the cause of action before the court arose; that, by the copyright statute of 1790, Congress did not affirm an existing right, but created one."\* The bench was divided, Justices Thompson and Baldwin dissenting, the former in an elaborate opinion.

Counsel in this case take the bold ground that this decision did not become the law of the land, but only covered the particular case of Pennsylvania, in which no adoption of the common law was alleged. While there is an elaborate and interesting argument to show the unsoundness of Justice McLean's premises and conclusions, which includes an important discussion of "cheap literature" *vs.* the protection of authors as promotive of the diffusion of knowledge, the main position of counsel is that the New York court is not asked to disregard the decision of the U. S. Supreme Court, but to accept it as binding only in Pennsylvania and not in the State of New York.

The counsel then boldly claims copyright under the common law of the State of New York. This, we believe, is an entirely new position.

The first Constitution of New York, 1777,

expressly adopted "such parts of the common law of England and of the statute law of England and Great Britain, and of the acts of the Legislature of the Colony of the State of New York, as together did form the law of the said Colony on the 19th day of April, 1775." But the colony was finally settled as an English colony in 1674; the statute of Anne, 1710, had not then been adopted in England, and was not re-enacted in New York prior to the adoption of the Constitution, 1777. Therefore, claims counsel, the common law adopted in New York was irrespective of this statute. At that date, therefore, the law of the State of New York gave authors perpetual ownership. The copyright act of this State, 1786, expressly disclaimed prejudicing rights at common law "in cases not covered by this act," which counsel take to mean cases in which the conditions of protection offered by the act were not taken advantage of. The common law rights of authors in this State are those laid down in *Millar v. Taylor*. It is therefore claimed that the State court is free to decide in favor of that common law right, and that there is no precedent to the contrary.

It will be observed that we have given but one side of the case, the answer, we presume, not having yet been entered. We understand that plaintiffs believe they have also a good case in the United States court, under the statute of copyright, but the common-law question will be tested first, in a suit that may become one of the leading cases in copyright law.

#### THE PUBLISHER'S HELP TO THE AUTHOR.

THE Irving copyright suit brings up an interesting illustration of the essential service done to authors by enterprising publishers. In this case, an affidavit has been made by Mr. Robt. B. Collins, one of the veterans of the trade, that of his own personal knowledge Irving's works were absolutely out of print from 1845 to 1848, though several of his most important books had been published prior to the first date. At about this time, Carey, Lea & Blanchard, who had before published the books, refused to make any contract for their reissue, and Mr. Collins remembers having on his shelves four sets which were absolutely unsalable and went finally to the paper-mill. That Irving himself appreciated the service done him is shown in the following letter, dated at Christmas time, 1852:

SUNNYSIDE, December 27, 1852.  
MY DEAR SIR: . . . For my own especial part let me say how sensibly I appreciate the kind tone and expressions of your letter, but as to your talk of obligations to me I am conscious of none that have not been fully counterbalanced on your part; and I take pleasure in expressing the great satisfaction I have derived, throughout all our intercourse, from your amiable, obliging and honorable conduct. Indeed I never had dealings with any man, whether in the way of business or friendship, more perfectly free from any alloy.

That these dealings have been profitable is mainly owing

\* *Drone*, pp. 43-4.

to your own sagacity and enterprise. You had confidence in the continued vitality of my writings when [the previous publishers] had almost persuaded me they were defunct. You called them again into active existence, and gave them a circulation that I believe has surprised even yourself. In rejoicing at their success, my satisfaction is doubly enhanced by the idea that you share in the benefits derived from it.

Wishing you that continued prosperity in business which your upright, enterprising, tasteful and liberal mode of conducting it merits, and is calculated to insure, and again invoking on you and yours a happy New Year,

I remain, very truly and heartily, yours,

WASHINGTON IRVING.

GEO. P. PUTNAM, ESQ.

#### SPECIFIC DUTIES ON BOOKS.

BY A CANADIAN BOOKSELLER.

THE present government of Canada obtained power chiefly through the desire of the Canadian people for a protective tariff. On taking office the Ministry recognized this, and boldly set to work to carry out the wishes of their constituents, and in doing so it was not likely that so conspicuous an item as "printed books" would escape a largely increased duty. The booksellers are mostly importers, and just so far as any increase in the duty tended to check importation and to throw business into the hands of the printers, just so far it would be unpopular with them. But this really is the object a protective tariff sets out to secure. We are not now discussing the question of protection *vs.* free trade. The point in discussion is this—"given" a government put into power for the purpose of protecting, amongst others, paper-makers and printers—how can that be done without bearing heavily upon the intellectual needs of the people? The solution was sought, and, as we believe, found, in the adoption of the specific instead of the ad valorem system.

The production of books differs essentially from the production of sugar, coffee, and other commodities of customary consumption in this, that the cost is composed of two distinct and easily separable elements, viz., first, the material substances of which the book is made, and second, the immaterial or literary labor of which it is the result. Both of these elements contribute to the value. An ad valorem duty taxes both. A specific duty taxes the first alone, and, in taxing the first alone, and just so far as it does so, it protects the people who manufacture the material part of books, to wit, printers, binders, and papermakers. It protects them thoroughly in a way which cannot be evaded, while it leaves untouched all the numerous intangible considerations which enhance the value of books and which weigh nothing when placed in the scales. It is true that the printer's labor is not represented by weight, but the desired end is nevertheless reached, for a duty of six cents per pound is equivalent to a fifty per cent ad valorem duty in favor of Canadian paper, and if Canadian paper is to be used, the work must be done by a Canadian printer.

Over and above the paper, print and boards, the cost of a book is largely augmented by the remuneration of the author. He may be a man of letters like Tennyson or Carlyle, a traveller like Stanley, a man of scientific research like Darwin, or a laborious compiler like Dr. Smith; his education, training, endurance, patience, and knowledge are charged upon the cost of the book. But they are imponderable elements of cost, and are untaxed by the Canadian tariff. Again, the cost of books is often enhanced largely by the smallness of the number re-

quired. Many very important books have a limited class of readers. Such are technical books, scientific books, books with maps or illustrations, books of reference which have an enduring value, as Smith's Dictionary, Watt's Dictionary of Chemistry, works on geology, botany, and the other natural sciences requiring many figures. Books like these are costly on account of their limited sale. They are seldom reprinted, and they are a possession for life to the purchaser; add to these, works valuable from their scarcity, and fine-art works which cultivate the taste of the people, and we have a class of works upon which an ad valorem duty falls heavily, and a specific duty very lightly, for all these manifold sources of value cannot be weighed in the scales. Such books as these are the fruitful sources of other books. They are the tools of scientists, artists, lawyers, clergymen, and students generally; they are a permanent acquisition to the country which imports them, and in this they differ from the large mass of amusing but ephemeral literature, which, in the shape of fiction, or of popular theological or scientific hash, crowd the presses of England and the United States.

When the tariff was announced in Canada there was at once an outcry. How absurd! a tax on knowledge, and by the pound! to put knowledge in the scales! how ridiculous! But the case was precisely the reverse. The paper was weighed in the scales, and the paper only. The music of Tennyson's verse, the research of Prof. Stubbs, the brilliant hypotheses of Tindall, the paradoxes of Ruskin are intangible—unweighable. It is only an ad valorem duty which can reach them, and the twenty-five per cent tariff of the United States does reach them very effectually. The precise merit of a specific duty is that it is a duty on materials alone, and the demerit of an ad valorem duty is that besides being a tax on materials it is a tax on authorship, on research, on artistic labor, on ideas, in short on knowledge pure and simple. To call a specific duty, as compared with ad valorem, a tax on knowledge is precisely contrary to the facts of the case.

The ad valorem system has other grave demerits. It lends itself readily to fraud, and is the source of endless disputes. Following United States precedents, the Canadian Act claims duty on "fair market value," not upon actual cost. Any drawback or special deduction other than usual trade discount is added, and so fine is the small-tooth comb of Canadian finance, that when the words "terms cash" are found on an invoice, the customs add five per cent to it on the assumption that "fair market value" is credit value. Now what method is there of arriving at the value for entry of an edition of a book consigned to the Canadian or United States market? or what is the "fair market value" of a remainder lot? The endless disputes in the United States custom-houses, some of which have been recorded in the WEEKLY from time to time, show that there is no standard of value, like the "Prices Current" which regulate and record the values of sugar, iron, and chemicals. In the case of very popular books and school-books used in long numbers in Canada, an ad valorem duty would have been no protection to the printer unless it were very high, and these are the very books he can reprint at a profit; but inasmuch as such books are imported usually at a very slight margin

over the cost of paper and presswork it is precisely upon them that the specific duty falls heaviest, and here it is that the protective value of the new tariff appears most clearly. The contrary is the effect of an *ad valorem* duty. It is light where it should be heavy and heavy where it should be light.

A very specious objection is frequently urged that under a specific duty the poor man's books are taxed and the rich man's books are almost free. This is the stock argument for *ad valorem* duties and, like the general question of Free Trade *vs.* Protection, may be left to other journals to discuss. It is questionable, however, whether government should favor the importation of rubbish of any kind. Still it cannot be said of books that cheap books are always bad books, but it can be said that bookbuyers in Canada are neither the very rich nor the very poor. Both extremes are alike in that respect. The buyers of books are, as a rule, persons of moderate means, and those who need the class of books touched lightly by the new tariff, students, professional men and men of a literary or scientific turn are very seldom rich. The contrary is too often, unfortunately, the case. Besides, the cheaper books sold in long numbers are the only class of books which can be produced in a limited market like Canada, and any duty in order to have a protective value must fall upon them. A low *ad valorem* duty is of no avail on books whose cost consists in materials alone, and a high *ad valorem* duty, sufficient as a protection for that class of books, is a useless and heavy tax on the enormously large mass of literature which in the nature of things could never be reproduced. The specific duty is the best solution of this very serious difficulty.

"But then," said the opponents of a specific duty, "the thing is absurd; who ever heard of a duty on books by the pound?" And, in truth, so firmly has the prejudice in favor of *ad valorem* duties taken root in the Canadian mind that any other system seems morally wrong. A specific duty on books was pronounced "unheard of," and indeed it was unheard of in America. But knowledge is not confined to America. We know all about the "boundless prairie" and the "fertile belt," but the eminently practical gentlemen who called the duty "an unheard of tax" only succeeded in showing that the discursiveness of their reading was not proportionate to their energy in other directions. It turned out on inquiry that all the nations of Europe, with one exception, considered the tariff on books as a papermaker's question, and rated printed matter by weight with reference to the duty on plain paper. It was of course urged in reply that a young and progressive country ought not to take the "effete" nations of Europe as models. Without stopping to discuss the general "effeteness" of Europeans we may remark that they are not "effete" in literature or art. The scramble in America to reproduce their works demonstrates that, and, if we are so ready to appropriate their literary treasures, the fiscal system under which they are produced cannot be consistently dismissed with an affected sneer. That the general fact may be made clear, we give the European tariff rates on books in the year 1860—reduced to sterling money:

France.....5d. per lb. sterling.  
Zollverein (Germany)....3½d. " "

Belgium.....	24s.	9d. per ton.
Switzerland.....	2s.	10d. per 110 lbs.
Tuscany.....	2s.	6d. per 100 lbs.
Holland.....		1d. per lb.
Portugal.....		1d. per lb.
Austria.....	6s.	per 110 lbs.
Sweden.....		2½d. per lb.
Norway.....		1d. "
Sardinia.....		1½d. "
Naples.....	7d.	1s. or 1s. 7d. per volume.
Great Britain, from foreign countries .....		3d. per lb.
Great Britain, from the colonies.....		1½d. per lb.

Since that time duties on books have disappeared from the tariffs of Great Britain, Belgium and Germany, but in Italy, France and the other countries in which book duties are retained they are still specific duties collected by weight alone. *Ad valorem* duties are an American invention of recent date. They are none the worse for that if they had been founded on rational considerations, which, in the case of books, we humbly submit they were not.

#### POSTAL MATTERS.

DECISIONS AFFECTING PUBLISHERS FROM DEC. 20, 1879, TO JAN. 20, 1880.

[From the U. S. Official Postal Guide, January.]

209. WHEN subscribers to newspapers fail to notify publishers that they have changed their address, the postmaster may do so, as a matter of courtesy, using an official envelope for the purpose.

213. Receipts are first-class matter. Parties who send them in the mails as third-class matter are liable to the penalty of ten dollars, as prescribed in section 233, P. L. & R.

214. When a regular publication of the second class has been entered at the post-office nearest its claimed office of publication, it is entitled to all the privileges accorded second-class matter, not only at the office of entry, but at any other post-office. The publisher thereof may send it outside of the mail to another post-office in the same county, to be delivered free, or to be mailed outside of the county at the pound rates.

217. Envelopes with written addresses thereon are first-class matter.

222. All papers partly written and partly printed being "the expression of a monetary value," and all matter "wholly in writing," except as provided in section 215, are subject to first-class rates.

228. An "order for goods" is first-class matter.

230. Manuscript music, unless it be accompanied by proof-sheets, or corrected proofs, is first-class matter.

231. A newspaper, in order to be entitled to free transmission by mail in any county, must be published in said county, and must also be printed in whole or in part in said county.

232. Newspapers and periodicals can only be entered as second-class matter at the post-office nearest their claimed office of publication.

233. The regulation requiring a postmaster to notify a publisher when his publication has not been taken out for thirty days, does not prohibit a postmaster from notifying a publisher earlier than thirty days, if the facts in the case warrant him in so doing.

234. When necessary to send one edition of any publication going in one mail in several loads to the post-office, no objection is perceived to the postmaster giving receipt for postage when the last load arrives; but all shipments going in one mail must be prepaid as presented. See ruling 41, January Guide.

#### LITERARY AND TRADE NOTES.

It is said that the advance orders at the Paris publishers for Zola's "Nana," as completed, reached 40,000 copies.

ROBERTS BROS. have in press "Principles and Portraits," by Dr. C. A. Bartol. It will contain essays on Channing, Bushnell, John Weiss and William Morris Hunt.

MESSRS. D. APPLETON & CO. have disposed of their retail stock to Mr. R. Worthington, who will have associated with him in the retail department Mr. W. H. Pars, long the head of that part of the business in the Appleton establishment.

LEE & SHEPARD are to bring out a volume by Francis H. Underwood, giving the story of "The Exodus of the Children of Israel," as illustrated by Brügsch's researches into the history of Egypt, which profess to make it clear that the Red Sea has been mistaken in the ordinary narrative for the Sea of Reeds.

G. P. PUTNAM'S SONS announce an octavo volume on "The Inter-Oceanic Canal and the Monroe Doctrine." This treatise is intended to present in concise but comprehensive form the historical record of the various plans for a canal across the Isthmus, and to show the responsibilities of the people and the government of the United States in regard to any such enterprise, especially in connection with the present undertaking of M. de Lesseps.

HARPER & BROS. have in press for publication some time in April Rev. H. M. Dexter's long expected work on "The Congregationalism of the Last Three Hundred Years, as seen in its Literature; with special reference to certain recondite, neglected or disputed passages. With a Bibliographical Appendix." The text consists of twelve lectures delivered at Andover and elsewhere, but the body of the book is the "Appendix," which has been a task of years with the able editor of the *Congregationalist*. This will include some 7250 titles, and the book will make a thousand pages.

THE great school-book fight in Missouri is over, and everybody claims to have won. The general agent of Messrs. D. Appleton & Co., Mr. L. S. Holden, has issued a pronunciamento against "the ring" and "the syndicate," the houses of A. S. Barnes & Co., Ivison, Blakeman, Taylor & Co., and Van Antwerp, Bragg & Co., and announces that his house "have secured the adoption in nineteen counties for Readers, twenty-one for Spellers, seventeen for Geographies, nineteen for Histories, twenty-three for Copy-books, twenty-nine for Civil Government, seven for Botany, ten for Composition and Rhetoric seven for Philosophy, six for Latin Series, and nine for Drawing-books, representing sixty-three counties."

THE editor of the *Jackson (Mich.) Citizen* is not himself one of the Fools, but he takes a lively interest in the family, and, by way of not being behindhand on an interesting literary puzzle of the day, he offers the following guess—which certainly has some elements of probability: "That remarkable book, 'A Fool's Errand,' which is creating such an excitement North and South, was written by a person familiar with Southern life, as well as by one who possesses genius, and is able to express vigorously the ideas sought to be enunciated. It is not the work of a novice. In view of these facts, and certain other characteristic marks, we venture the assertion that the author is none other than Mrs. Frances Hodgson Burnett."

D. APPLETON & CO. are now moving into their new quarters at No. 15 Bond Street, which are very spacious and commodious. We shall give some description of them, on the completion of the fittings, next week. Other important removals in the New York trade will take place about May 1st. Dodd, Mead & Co. will move a few doors up from their present location to the new store corner of Broadway and West Eighth Street, and Mr. George A. Leavitt has leased two floors in the same building, to which he will remove the Trade Sale Rooms, and ultimately his Art Rooms. The removal of the Mercantile Library to the new building for which ground was purchased some time since, probably involves the destruction of the present Clinton Hall. The changes thus necessitated are not, however, likely to interfere with the present status of Astor Place as the book trade centre.

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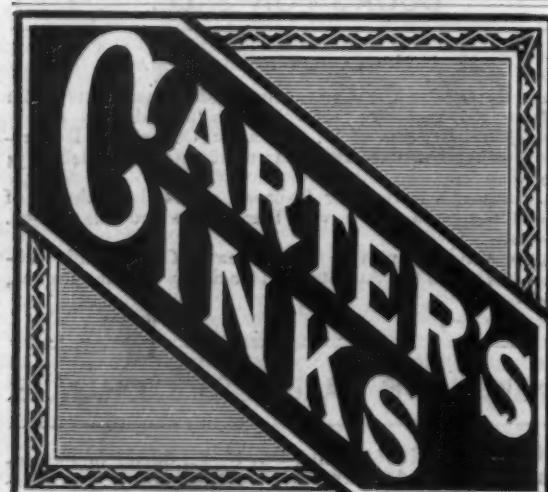
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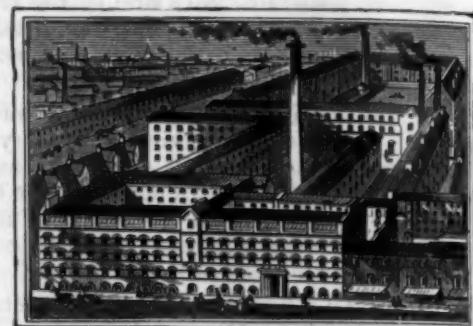
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